THE NEW YORK HOSPITAL-CORNELL MEDICAL CENTER

Steven Affano NYH # 228-41-47 09/10/04 22:44

CORNELL INTERNAL MEDICINE ASSOCIATES

Progress Note: Steven Alfano / September 10, 2004

Subjective: 46 year old mon with

lumbar spinal stenosis - ran out of Oxycontin - did very poorly, now better

HTM - attributes high BP today to running out of meds

neck pain - currently complaining of neck pain's tiffness R > L

Objective:

BP 140/100 P Wi 275 lbs Height 6fgt 3 in 126/96 repeat upper shoulder/neck: B muscle tenderness R > L

Current Medications:

LISINOPRIL 20MG TABLET / I tob po qd
TRIAMCINOLONE 8.1% CREAM / apply bid
PREVACID 30MG CAPSULES / I po qd
IMITREX NASAL SPRAY 20MG/SPRAY / I spray inicanasally pro
IMITREX 50MG TABLET / I-2 tabs with onset of migrain
ASPIRIN #IMO TABLET EC / I po qd
OXYCONTIN 40MG TABLET / I tab po sid
ZESTRIL 20MG TABLET / I po qd

Allergies:

Impression:

rism: neck pain: discussed problem of deciding whether to treat if identified CERVICAL SPINE, 4 VIEWS

HTN - may need additional therapy Discontinued: ZESTRIL 20MG TABLET (I po qd

RTC

Keith Roach, M.D. Excironic Signange on File



•		
		20.00.00
Lobs of Steven Alfano	as of 05/20/05 15:08	Frá May 20 15:08:20 2005
03/17/98 11:18 #31267	(03/17/98 15:04)	
CARDIOVASCULAR EVAL		
TRIGLYCERIDES	395	
CHOLESTEROL	215	
HDL CHOLESTEROL	39	
LOL CHOLESTEROL	137	
AND CHOS BARRA	5.5	
CHOL/HOL RATIO	·	•
04/11/97 16:23 12191	(04/12/97 15:32)	
URINE CULTURE		
REPORT STATUS	Pinal	
FINAL REPORT DATE	04/15	
GRINE COLONY COUNT	<100	
SOURCE	CLEAN CATCH	
COLLECTION TIME	16:23	
DATE OF SPECIMEN	. 4/13	
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04/31/97 16:23 #6770	104/11/97 19:20)	: :
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Message Confirmation Report



MAY-16-2005 O1:04 PH NON

Fast Number : (Kerne

91212746812741431 Name/Number :

Page : 2 Start Time : MAY-16-2005 01:00FM HON Elapsed Time : 00°33°

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Facsimile Transmissio Cover Sheet

2nd Request



May 16,2005 TJ 2:05pm

Transmit to FAX sension 212-746-8127	Date Aprîl 28, 2005	1:00 p.m. linduding this shoots 2
Name Dr. Roach		Namo Mark Sodders
Сомралу		Department CIGNA Disability Management Solutions
Phone 212-746-2879		Phone 1.800.352.0611 Extension 5693
Address		Address 12225 Greenville Avenue Sulte 1000, LB 179 Dallas Texas 75243

Comments

RE:

Steven Alfano

DOB:

01/14/1958

Policyholder:

Weill Medical College NYK 1972

Underwriting Company:

CIGNA Life Insurance Company of New York

In order to evaluate your patient's eligibility for Long Term Disability benefits (e.g. lost wage income) we are in need of the following information:

Copies of your progress notes, including diagnostic test and lab results, from 8/1/04 to the present.

We ask that you kindly respond by 5/11/05 to avoid any delay in your patient's claim for lost wages.

Naturally, we will consider a reasonable charge for this medical information. Please include your tax identification number. If this request requires a pre-payment, please call me at the phone number above or fax (860.731.2907) a fee request to my attention.

Sincerely,

Mark Sodders

2nd Request

CONFIDENTIALITY NOTICE: If you have received this facilimite in error, please immediately notify the lender by telephone at the number above. The documents occumpanying this facilimite annunission contain confidential information. This information is intended only for the use of the instributel(s) or entity named above. Thank you for your compliance.

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1) Acknowledgment Requested

To Fisk a reply, dial : 860,731,2907

CORNELL	STEVEN ALFAND S. NYK 1972	P
Joan and Sanford L Weill Medical Cullege	Keith W Routh, MD Associate Professor of Clinical Medicine Associate Professor of Public Bealth and Epifeculology Program Director, Primary Care Reddency Program Cotoel Internal Medicine Department of Medicine	585 E Helm New ' Telep Fax: '

585 East 70th Street. HT-4 Helmoley Tower, Soite 450 New York, NY 10021 Felephone: 212 746-9653 Fax: 212 746-9619

Steven Attane 3800 Waldo Ave #13G Brong NV 19463 April 19, 2005

NYH# 228-41-47

les Most Sentists Lygin insprunce

Dear Mr. Sodifers:

Sieven Allano is under my care at the Comeli Internal Medicine Associates at The New York Hospital for his origing primary medical care. In regards to your tener of January 20, 2005, I will reherate that Mr Allano is physically unable to perform the occupations as described in the attachments to the letter. Specifically, his primary disability is being only in six for prolonged periods. He is physically unable to six without frequent need for standing, toying down, or using ice on his back. He is not able to stay seared for a meal at a restaurant, due to pain and withouts.

i torse also reviewed the decision by Judge School of Aug 27,2008. I believe that the medical likes which parabolance my findings as above one well summarized in his judgment.

It you have any questions, please coll me at the number above.

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Reith Roach, M.D.

COPY OF 4/19/65 FAX

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Message Confirmation Report

APR-28-2005 11:31 AM THU

Fax Number :

Name/Number : 91212746812741431

Page : 4

Start Time : APR-28-2005 11:38AM THU

Riapped Time : 00'48" Mode : STD BCM Results : (O.K)

Facsimile Transmission Cover Sheet

2md Request

May 16,2005 75



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Consolitio FAX number 212-746-8127	_{Бите} - Аргіі 28, 2005	time 1:00 p.m.	Foundamental and Foundament (including the shoet) A		
Name Dr. Roach		Name Mark Sciddets			
Согпрану		Ocpariment CIGNA Disability Management Solutions			
Phone 212-746-2879		Phone 1.800.352.0611 Extension 5693			
Address		Addess 12225 Greenville Avenue Suite 1000, LB 179 Dallas Texas 75243			
Communis					
RE:	Steven Alfano				

DOB:

01/14/1958

Policyholder:

Well Medical College NYK 1972

Underwriting Company:

CIGNA Life Insurance Company of New York

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to the present.

We ask that you kindly respond by 5/11/95 to avoid any delay in your patient's claim for lost wages.

Naturally, we will consider a reasonable charge for this medical information. Please include your tax identification number. If this request requires a pre-payment, please call me at the phone number above or fax (860.731.2907) a fee request to my attention.

Sincerely.

Mark Sodders

2nd Request
May 16, 2005

CONFIDENTIALITY NOTICE: If you have received this factimile in one, please immediately notify the small by telephone of the number above. The documents accompanying this factimile transmission contains confidential information. This information is intended only for the use of the individualish or entity named above. Thank you for your compliance.

Use Inservate Company of Horth America Connectact Ornical Life fairbilling Company CIGNA Life Inservate Company of New York

| | Acknowledgenests Requested

To Fex a reply, diek: 880,731,2087

PHYSICAL ABILITY ASSESSMENT We are evaluating your patient's disability cisim in order to determine functional impairment Please check the boxes corresponding to the patient's level of physical functioning. Please substantiate your

findings with medical documentation. (Failure to provide the requested reports/data may result in delay in claim determinations).

Destant Marris	Date of Birth
Patient Name	
Diagnosis(es)/ICD-9 Code	

Throughout an 8-hour workday, the patient can tolerate, with positional changes and meal breaks, the following activities for the specified durations:

Check If Occasionally Continuously Prequently Not applicable supported (1-33%) (34.66%) (67-190%) by objective (c2.5 hys) (25-55 diagnosis(cs) (5.5 + brs) Sading* ters) Sitting: Standing: Walking: Overhead Reaching Desk Level **Below Waist** Fine Manipulation: Right: Left: Right: Simple Grasp: left: Right: Firm Grasp: Left: 10 lbs. Lifting: 11-20 lbs. 21-50 lbs. \$1-100 lps. 100+ lbs. 10 lbs. Carrying 11-20 lbs. 21-50 lbs.

51-100 lbs

100+ lbs.

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,	Not applicable to diagnosis(cs)	Continuously (67-190%) (5.5 + brs)	Frequently (34-66%) (2.5 - 5.5 brs)	Occasionally (1-33%) (<2.5 hrs)	Check if supported by objective findings
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Environmental Conditions: Exposure to extremes in heat					
Exposure to extremes in cold		<u></u>			
Exposure to wet / humid conditions Exposure to vibration					
Exposure to odors / fumes /					,
Particles Can work around machinery					
Ability to work extended shifts/ overtime:					
Use lower extremities for foot					
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Medical Specialty:	······································	Ph	one:		
Federal ID tax number: Please include			. A T	*6: \$1 2-1	

Please return this form in the enclosed addressed envelope.

Filed 07/28/2008

Page 11 of 50

3:30PM ROV. 30. 2004

NO. 279

DISCLOSURE AUTHORIZATION

Cidmant's Name (Pioaso Print):

I AUTHORIZE: any doctor, physician, heater, health care practitioner, hospital, clinic, other medical facility, prolessional, or provider of health care, modecally related facility or association, modical examiner, plummacy, employee essistance plan, insurance company, nearth maintenance organization or similar extity to provide access to or to give the company named below (Company) of the Plan Administrator or their employees and authorized agents or authorized representatives, any medical and nonmedical information or records that they may have concerning my health condition, or health history, or regarding any advice, care or treatment provided to me. This information and/or records may include, but is not limited to: cause, treatment, chagnoses, prognoses, consultations, examinations, tests, prescriptions, or solvice regarding my physical or mental condition, or other information concerning me. This may also include, but is not limited to, information concerning: mental liness, psychiatrio, drug or alcohol use and any dischility, and also HIV related testing, infection, liness, and AIDS (Acquired immune Deliciency Syndrome), so well as communicable diseason and genetic testing. If my plan administrator sponsors both a disability plan undenvitten or administered by Company and a medical plan of any type written by another CIGNA company, the Information and records described in this form may also be given to any CIGNA Company which administers such medical or disability benefits for the purpose of evaluating any claim that may be submitted by me or on my behalf for benefits, for evaluating return to employment opportunities, and for administering any leature described in the plan. This information may also be extracted for use in audits of for statistical purposes.

I AUTHORIZE: any financial institution, accountable tax properer, insurance company or reinsurer, consumer reporting agency, insurance support organization, Claimant's agent, employer, group policyholder, businesa ausociate, benefit pina administrator, tamily members, inlends, religibbors or associates, governmental agency including the Social Security Administration of any other organization or person having knowledge of me to give the Company or the Plan Administrator or their employees and authorized agents, or authorized representatives, any information or records that they have concerning me, my occupation, my activities, employee/employment reporce, earnings or finances, applications for insurance coverage, prior claim files and dalm history, work history and work related activities.

I UNDERSTAND: the information obtained will be included as part of the proof of claim and will be used to determine eligibility for claim benefits, any amounts payable, return to employment opportunities, and to administer any other leature described in the plan with respect to the Claimant. This authorization shall comein valid and apply to all records, information and events that occur over the duration of the claim, but not to exceed 24 months. A photocopy of this form is as valid as the original and i or my authorized representative may request one, I or my representative may revoke this authorization at any time as it applies to future disclosures by writing the Company. The information obtained will not be disclosed to anyone EXCEPT: n) reinsuring comparises; b) the Medicul Information Bureau, Inc., which operates Hastin Cisum Index (HCI); n) finited or overlineurance detection bureauts; d) anyone performing business, medical or legal functions with respect to the claim or the plan, including any entity providing essistance to the Company under its Social Security Assistance Program and employers involved in return to employment discussions; o) for such or statistical purposes; f) so may be required or permitted by law; g) as I may further authorize. A valid authorization or court order for information does not waive other privacy rights.

If my modical information contains information regarding drug or attorned abuse, I understand that my records may be protected under lederal (42 CFR Part 2) and some state taws. To the extent permitted under law, I can ask the party that disclosed Information to the Company to pamil me to inspect and copy the information it disclosed. I understand that I can refuse to sign this disclosure authorization; however, it I do so, Company may dony my chain for behave pursuant to the plan. The use and further disclosure of information disclosed hereunder may applies subject to the Region Insurance Portability and Accountability Act (HIPAA).

Stgnature of Claimant or

Claudent's Authorized Representative: 45

Relationship.

if other than Claimant

Company Name:

Claimant's Social Security Number, (

Insurance company

PROHIBITION ON RE-DISCLOSURE

If the medical information contains information regarding drug or alcohol abuse, it may be protected under tederal law. Federal regulations (42 CFR Part 2) prohibit any person or entity who receives such protected information from the Company from making any further disclosure of it without the specific written consent of the person to whom it penalist, or as otherwise permitted by such requisition. A general authorization for the release of modical or other information is not sufficient for this purpose. The federal rules restrict any use of such protected information to eximinally investigate or prosecute any alcohol or drug abuse patient. Page 4 64 5

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Claim Direction Staffing Form

Please complete the sections that are applicable for the staffing purpose

Claim Information:

Stoffing Date: April 75, 2865		Chaint Managers	Mark Sodders
CxNorter 50		.SSN:	099-4:L9648
DOB/Age: 01		· Reight/WT:	G37/2861bs.
Employer W	Employer Well Medical College		Wage & Salary Munaper
Incur Date:	06/06/2000	Date of Rive:	05/05/1901
74°	guarate treme de de	Employment term Date:	After 1D 0186/04/2019
BSD or AO Dat	a 12/03/2000	Ciabo Hereived Da	te: 12/07/7808
Prior Chan? Ne		Mi Max dale:	Mmss.
Diagnosis/ICD:			
Stolus II	Ongoing XX	A/O Ap	pealPre-N2
	questions that need to b	क् अर्थवन्द्रभव्यः :	
Claim direction		/	
Cialm synocits	please see printed dalu	i strategy:	

Vocational/Occupational History:

Occupational requirements (DO	F MUST BE ON	FILE & TABBED)
XO Sedentary O Light C	Medium D.I	tenvy O Very Heavy
Policy definition of disability ple	ase check:	DOT on file: no. just JD
OWB Occ XX Any Occ ,	Others	
Training/Education/Kaperience	Dominant	VRC assigned: Yes X 140
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Medical / Offsets:

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M. Alexingus	Oziko Sx			- 	ļ	ļ	
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CGT Guidelines:		<u> </u>			<u></u>		
Other Benefits:	DSTD C	WC XD SSD.	OSSR	() Pensi	op DO	iber	

Claim Direction Staffing Form



Please complete the sections that are applicable for the staffing purpose

Comments/ Review outcome/Rationale/Plan:

MD NCM/BHS VRC
File due Not Suppose definits which predicts work afternoon. On Rosa che which would not do 4 ph based on PAA for De 10/10/04. Contin E will be plant to plant to pract of 122-746-2879 (for 212-746-8127)
Future Claim Direction/Actions (Please indicate person responsible for action)
1.
7. 4
4.
F/U Medical SSDI
VOC Rehab F/U W/C
SRU Other

Parties in Attendance:

4	Please this printed staffing participant names with signatures:
	A. S. Art y 20 L. W
	2 Many Sopro 4/2-1/05
	3. 11100000000 -
	4,
	Date





Sodders, Mark D 212

Steven Alfano (steven,alfano@verizon,nel) From: Sont: TG:

Tuesday, April 19, 2005 4:48 PM Sodders, Mark D 212

tetter Subject:

Má Mark, Hope you got the letter Dr. Roach faxed today. I'll mail out the original as well. Thanks for working with me on this. If you ever have trouble getting something like that again, let me know and I'll make sure things get out to you. Steve Alfano

HOSPITAL.

Joan and Sanford Well) Medical College

Ketti W. Roace, M.D. Amelon Profesor of Classed Medicine Amelon Profesor of Privile Novik and Raldsminky Progress Director, Printery Con Residency Progress Constit Internal Medicine Associates

Well Medical College Department of Medicine See Best 78th Street NT 400 How York, NY 10001

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STEVEN ALPHNO.	

HAAH

AFR 19, 2005 10-204M





Joan and Spaford L Weill Medical College

Keith W Rosch, MD Associate Professor of Climical Medicine Associate Professor of Public Health and Epidemiclogy Program Director, Primary Care Residency Program Coronii Internal Medicine Associates Department of Medicina

505 East 70th Sirect, HT-4 Helandey Tower, Suite 450 New York, NY 10021 Telephone: 212 746-9663 Past 212 746-4609

Steven Alfano 3800 Waldo Ave #13G Bronx, NY 10463

April 19, 2005

NYH# 228-41-47

Mr. Mark Suddens Cigna Insurance

Doge Mr. Sodders:

Steven Aliano is under my cure at the Cornell Internal Medicine Associates at The New York Hospital for his engoing primary medical care. In regards to your least of Jennary 20, 2005, I will relievate that Mr Alfano is physically analyte to portorn the occupations as described in the anastiments to the letter. Specifically, his primary disability it being sails to sit for prolonged periods. He is physically analyte to sit without frequent need for standing, laying down, or using ice on his bank. He is not able to stay scaled for a most at a metabanet, due to pain and ruffbess.

Thave also reviewed the droision by Judge Schoor of Aug 27,2005. I believe that the medical facts which comploance my findings as above are well communized in his indigenent.

If you have my questions, please call me at the number above.

Kojdi Roach, M.D.

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Facsimile Transmission Cover Sheet



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То		Provin	······································
Name Steven Alfano		Name Mark Sodders	
Company		Department CIGNA Disability	Management Solutions
Phone 718-884-2067		Phone 800.352.0611 x5	693
Address		Address 212E 12225 Greenville Suite 1000 LB 17 Dallas, TX 75243	9

Comments

Re:

Claimant

Steven Alfano

Policy Number:

NYK 1972

Policy Holder:

Weill Medical College

Underwriting Company:

CIGNA Life Insurance Company of New York

Dear Mr. Alfano:

Enclosed is the request sent via certified mail to Dr. Roach on January 20, 2005. Please contact Dr. Roach's office to expedite our request. If we have not received his response by April 28, 2005, we will continue with the scheduling of the Functional Capacities Evaluation.

Please contact me at 800-352-0611 x5693 should there be any questions.

CONFIDENTIALITY NOTICE: If you have received this focumile in crop, please immediately notify the sender by telephone at the number obove. The deciments accompanying this facebuile transmission contain conflitential information. This information is intended only for the use of the individuals) or entire named above. There you compliance.

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1] Acknowledgment Requested

To Fax a toply, dist : 860.731.2907

Mark Sodders Case Manager
CIGNA Disability Management Solutions



IGNA Group Insurance Life - Accident - Disability

January 20, 2005

Keith Roach, M.D. SOS E. 70 St. HT 450 New York, NY 10021 Routing 212E 1222S Greenstile Avenue Suine 1000 LB 179 Dallas, TX 75263.9382 Telephone 800,352,0611 x5693 Factionile \$60,731,2907 Mark Sodders@Cigna.com

Ře:

Claimant:

Steven Alfano 01/14/58

DOB:

NYK 1972

Policy Number: Policy Holder:

Weill Medical College

Underwriting Company:

CIGNA Life Insurance Company of New York

Dear Dr. Roach:

From your last Physical Abilities Assessment Form dated October 10, 2004, you report that Mr. Roach may Occasionally: push, pull, climb, balance, stoop, lift and carry 10 pounds, sit stand and walk.

We have enclosed four potential occupations that Mr. Roach may perform based on his prior education, training and experience for your review. To properly understand his current physical work restrictions, please provide the following information:

- Is Mr. Roach able to physically perform the four occupations as described in the attachment?
- If no, please provide the medical documentation to support your position of Mr. Roach's functional deficits and that significantly impact his shility to perform these occupations which require physical exertion in an 8 hour day based on your October 10, 2004 Physical Abilities Assessment form.

We will consider a reasonable charge for this report. Please include your Tax identification number for your invoice.

Your assistance in providing this information is appreciated and will aid in the prompt handling of the claim.

Sincerely,

Mark Sodders

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OCCUPATIONAL L



166.117-018 Manager, Personnel O'NET SOC Code: 11-3040.00 Human Resources Managers

Alternate Titles: Manager, Human Resources Plans and carries out policies relating to all phases of personnel activity. Recruits, interviews, and selects employees to fill vacant positions. Plans and conducts new employee orientation to forcer positive attitude toward company goals. Keeps record of insurance coverage, pension plan, and personnel transactions, such as hires, promotions, transfers, and terminations. lavestigates accidents and prepares reports for insurance currier. Conducts wage survey within labor market to determine competitive wage rate. Exepares budget of personnel operations. Meets with shop stewards and supervisors to resolve grievances. Writes separation polices for employees separating with cause and conducts exit interviews to determine reasons behind separations. Prepares reports and recommends procedures to reduce absentecism and turnover. Represents company at personnel-related hearings and investigations. Contracts with outside suppliers to provide employee services, such as canteen, transportation, or relocation service. May prepare ladget of personnel operations, using computer (emoine). May administer manual and desterily tests to applicants. May supervise clerical workers. May keep records of hired employee characteristics for governmental reporting purposes. May pegotiate collective barquining ogreenem with BUSDIESS REPRESENTATIVE, LABOR UNION (profess & kin.) 187,167-018.

DLU: 1988

O'NET SOC Title: Human Resources Managers

O*NET SOC Code: 11-3040.00

Plan, direct, and coordinate human resource management activities of an organization to maximize the strategic use of human resources and maintain functions such as employee compensation, recruitment, personnel policies, and regulatory сомріїансе.

Formulates policies and procedures for recruitment, testing, placement, classification, orientation, benefits, and labor and industrial relations. Plans, directs, supervises, and exerdinates work activities of subordinates and staff relating to employment, compensation, labor relations, and employee relations. Directs preparation and distribution of written and verbal information to inform employees of henefits, compensation, and personnel policies. Evaluates and modifies benefits policies to establish competitive programs and to ensure compliance with legal requirements. Analyzes compensation policies, government regulations, and prevailing wage rates to develop competitive compensation plan. Develops methods to improve employment policies, processes, and practices and recommends changes to management. Prepares personnel forecast to project employment needs. Prepares budget for personnel operations. Prepares and delivers presentations and reports to corporate officers or other management reporting busins resource management policies and practices and recommendations for chan Negotiates bargaining agreements and resolver labor disputes. Meets with shop stewards and supervisors to resolve grievances. Conducts exit interviews to identify reasons for employee termination and writes separation notices. Plans and conducts new employee orientation to foster positive utilitude toward organizational objectives. Writes directives advising department managers of organization policy in personnel matters such as equal employment opportunity, sexual barassment, and distrimination. Studies legislation, arbitration decicions, and collective bargaining contracts to assess industry trends. Maintains records and compiles statistical reports concerning personnel-refused data such as hires, transfers, performance appraisals, and absenteeism rates. Analyzes statistical data and reports to identify and determine causes of personnel problems and develop recommendations for improvement of organization's personnel policies and Represents organization at personnel-related hearings and investigations. Contracts with vendors to provide employee pervices, such as canteen, transportation, or relocation service. Investigates industrial accidents and prepares reports for insurance corrier.

Preliminary Crosswalk shows this DOT Occupation is 1 of 6 DOT's under this O'NET Code.

Please note: O'NET Codes are under development and subject to change.

OCCUPATIONAL ROUIREMENTS



Title: Manager, Personnel DOT Codo: 166.117-018

Industry: Professional and Kindred

Specific Vocational Preparation: Level 8 (4 to 10 years)

General Educational Development: Reasoning Level 5

Mathematics Level 5 Language Level 5

Strength: Sedentary Lifting, Carrying, Pushing, Pulling 10 Lbs, occasionally, Mostly sitting, may brooke standing or walking for total periods of time.

Environmental Conditions: Physical Demands: Moderate Noise Intensity Level Climbing Never Never Exposure to Weither Never Bulancing Never Extreme Cold Stooping Never Never Extreme Heat Never Keecling Never Wet and/or Humid Never Crouching Never Vibratian Crawling Never Never Atmospheric Conditions Frequently Reaching Never Proximity to Moving Mechanical Parts Frequently Handling Exposure to Electrical Shock Never Frequently Fingering Never Working in High Exposed Places Never Feeling Never Exposure to Radiation Frequently Talking Working with Explosives Never Frequently Hearing Exposure to Toxic or Caustic Chemicals Never Never Tasting/Smelling Other Environmental Conditions Never Frequently Near Acuity Never Fer Acuity Never Depth Perception Occasionally Accommodation

Work Situations: Performing a Variety of Duties

Directing, Controlling, or Planning Activities of Others People: Negotiating Dealing with People (Reyond receiving work instructions) Things: Handling

Making Judgments and Decisions

Never

Never

DOT ርላ<u>ቸ</u> Aptitudes: 3+ (56 - 66%) (Above 89%) General Learning Ability 1 (Abova 89%) 3-(34-44%) Verbal Apritude 3 (46 - 54%) 2 (67-89%) Numerical Applicate Not included 3 (34-66%) Spatial Aptitude Not included 3 (34-66%) Form Perception 3 (46 ~ 54%) 3 (34-66%) Clerical Aptitude Not Included 4 (11-33%) Motor Coordination Not Included 4 (11-83%) Finger Dexienty Not included 4 (11-33%) Manual Destority 5 (Below 11%) Eye-Hand Foot Coordination 5 (Below 11%) Color Discrimination

CIGNA 12/13/2004

Color Vision Field of Vision

Page 3

Coordinating

Date:

OCCUPATIONAL D CRIPTION



166.167-030 Manager, Employment

O'NET SOC Code: 11-3840.80 Human Resources Managers

Alternate Titles: Employment Supervisor

Manages amployment activities of establishment: Plans and directs activities of staff workers concerned with such functions as developing sources of qualified applicants, conducting screening interviews, administering tests, checking references and background, evaluating applicants' qualifications, and arranging for preliminary indoctrination and training for newly hard employees according to policy formulated by DIRECTOR, INDUSTRIAL RELATIONS (profess. & kin.) 166.117-010. Keeps records and compiles statistical reports concerning recruitments, interviews, hires, transfers, promotions, terminations, and performance appraisals, tridizing knowledge of Job requirements, valid selection processes, and legislation concerning equal employment practices. Coordinates employment activities, such as those concerned with preparing job requisitions; interviewing, selecting, and hiring condidates; on-the-job indoctrination and additional training; supervisory follow-up, development, and rating of employees; and conducting exit interviews. Abelyzes statistical data and other reports concerning all aspects of employment function in order to identify and determine causes of personnel problems and to develop and present recommendations for improvement of establishment's employment policies, processes, and practices.

DLU: 1987

O*NET SOC Title: Human Resources Managers

O*NET SOC Code: 11-3040.00

Plan, direct, and coordinate human resource management activities of an organization to maximize the strategic use of biman resources and maintain functions such as employee compensation, requisitment, personnel policies, and regulatory compliance.

Formulates policies and procedures for recruitment, testing, placement, classification, orientation, benefits, and labor and industrial relations. Plans, directs, supervises, and coordinates work activities of subordinates and staff relating to employment, compensation, labor relations, and employee relations. Directs preparation and distribution of written and verbal information to inform employees of benefits, compensation, and personnel policies. Evaluates and modifies benefits policies to establish competitive programs and to ensure compliance with legal requirements. Analyzes compensation policies, government regulations, and prevailing wage rates to develop competitive compensation plan. Develops methods to improve employment policies, processes, and practices and recommends changes to management. Prepares personnel forecast to project employment needs. Prepares budget for personnel operations. Prepares and delivers presentations and reports to corporate officers or other management regarding human resource management policies and practices and recommendations for chan Negotiates bargaining agreements and resolves labor disputes. Moots with shop stewards and supervisors to resolve prievances. Conducts exit interviews to identify reasons for employee termination and writes separation notices. Plans and conducts new employee orientation to foster positive attitude toward organizational objectives. Writes directives advising department managers of organization policy in personnel matters such as equal employment opportunity, sexual harassment, and discrimination. Studies legislation, arbitration decisions, and collective burgaining contracts to assess industry trends. Maintains records and compiles statistical reports concerning personnel-related data such as hires, transfers, performance appraisals, and absentecism rates. Analyzes statistical data and reports to identify and determine causes of personnel problems and develop recommendations for improvement of organization's personnel policies and Represents organization at personnel-related bearings and investigations. Contracts with vendors to provide employee services, such as canteen, transportation, or relocation service. Investigates industrial accidents and prepares reports for insurance carriet.

Preliminary Crosswalk shows this DOT Occupation in 1 of 6 DOT's under this O'NET Code.

Please note: O'NET Codes are under development and subject to change.

CIGNA 12/13/2004

OCCUPATIONAL KOULTEMENTS



DOT Code: 165.167-030 Title: Manager, Employment

Industry: Professional and Kindred

Specific Vocational Preparation: Level 8 (4 to 10 years)

General Educational Development: Reasoning Lavel 5 Mathematics Level 4

Language Level 5

Lifting, Carrying, Pushing, Pulling 10 Lbs. occasionally, Mostly sitting, may Strength: Sedentary involve standing or walking for brief periods of time.

Physical Demands: Climbing Balancing Stooping Kneeling Crouching Crawling Reaching Handling Fingering	Never Never Never Never Never Never Frequently Frequently	Environmental Conditions: Noise Intensity Level Exposure to Weather Extreme Cold Extreme Heat Wet and/or Humid Vibration Atmospheric Conditions Proximity to Moving Mechanical Ports Exposure to Electrical Shock	Quiet Never Never Never Never Never Never Never Never
Feeling Talking Hearing Tasting/Smelling New Acuity Par Acuity Depth Perception Accommodation Color Victor Field of Vision	Never Frequently Frequently Never Never Never Never Never Never	Working in High Exposed Places Exposure to Radiation Working with Explosives Exposure to Toxic or Caustic Chemicals Other Environmental Conditions	Nover Nover Nover

	Directing, Controlling, or Planning Activities or Dealing with People (Beyond receiving work in Making Judgments and Decisions	f Others estrictions)	People:	Coordinating Speaking-Signating Handling
Appindes: General Learning	Ability	DOT 2 (67-89%)		5 + 66%)

and a section of the section is	TUA >	O'FM.
Aptimites:	2 (67-89%)	3+ (56+66%)
General Learning Ability	2 (67-89%)	3- (34 - 44%)
Verbal Aptitude	3 (34-66%)	3 (46 - 54%)
Numerical Aptitude	5 (Below 11%)	Not Included
Spatial Aptitude	5 (Below 11%)	Not Included
Form Perception	3 (34-66%)	3 (46 - 54%)
Clerical Aprilude	5 (Below 11%)	Not Included
Motor Coordination	5 (Below 11%)	Not included
Finger Designity	5 (Below 11%)	Not Included
Marinal Dexietity	5 (Below 11%)	
Eye-Band-Foot Coordination	5 (Below 11%)	
Color Discrimination	2 (DCIOM 1170)	

CIGNA 12/13/2004

OCCUPATIONAL DECRIPTION



187.167-698 Monager, Employment Agency O"NET SOC Code: 41-1812.00 First-Line Supervisors/Managers of Non-Retail Salet Workers

Manages employment services and business operations of private employment agency. Directs hiring, training, and evaluation of employees. Analyzes placement reports to determine effectiveness of EMPLOYMENT INTERVIEWERS (profess. & kin.). Participates in development and utilization of job development methods to promote business for agency. Enforces, through subordinate staff, agency policies, procedures, safety rules, and regulations. Approves or disapproves requests for purchase of new equipment and supplies. Ensures maintenance and repair of facilities and equipment. Prepares budget requests. Investigates and resolves customer complaints. May negociate leases and order equipment and supplies for agency.

DLU: 1977

O'NET SOC Title: First-Line Supervison/Managers of Non-Retail Sales Workers

O'NET SOC Code: 41-1012.00

Directly supervise and coordinate activities of sales workers other than retail sales workers. May perform duties, such as budgeting, accounting, and personnel work, in addition to supervisory duties.

Directs and supervises employees engaged in sales, inventory taking, reconciling cash receipts, or performing specific service such as pumping gasoline for customers. Plans and prepares work schedules and assigns employees to apacific duties. Hires, trains, and evaluates personnel in sales or marketing establishment. Coordinates sales promotion activities and prepares merchandise displays and advertising copy. Listers to and resolves customer complaints regarding service, product, or personnel. Examines merchandise to encure that it is correctly priced, displayed or functions as advertised. Inventories stock and reorders when inventories drop to specified level. Examines products purchased for result or received for storage to determine condition of product or item. Prepares rental or lease purchased for result or received for storage to determine condition of product or item. Prepares rental or lease agreement, specifying charges and payment procedures, for use of machinery, tools, or other such items. Formulates agreement, specifying charges and payment procedures for profitability of store operations. Keeps records pertaining to parchases, sales, and requisitions. Assists sales staff in completing complicated and difficult sales. Prepares sales and inventory reports for management and budget departments. Confers with company officials to develop methods and procedures to increase sales, expand markets, and promote business.

Preliminary Crosswalk shows this DOT Occupation is 1 of 17 DOT's under this O'NET Code.

Please note: O"NET Codes are under development and subject to change.

CIGNA 12/13/2004

OCCUPATIONAL REQUIREMENTS



Title: Manager, Employment Agency

Industry: Professional and Kindred

DOT Code: 187.167-098

Specific Vocational Preparation: Level 7 (2 to 4 years)

General Educational Development: Reasoning Level 4

Mathematics Level 3 Language Level 4

Lifting, Carrying, Pushing, Pulling 10 Lbs. occasionally, Mostly sitting, may involve standing or walking for brief periods of time. Strength: Sedentary

Physical Demands:		Environmental Conditions:	
Climbing	Nover	Noise Intensity Level	Moderate
Belancing	Never	Exposure to Weather	Never
Stooping	Never	Extreme Cold	Never
Koccling	Never	Entreme Heat	Never
Crouching	Never	Wet and/or Humid	Never
Onwling	Never	Vibration	Never
Reaching	Occasionally	Atmospheric Conditions	Never
Handling	Occasionally	Proximity to Moving Mechanical Parts	Mever
Fingering	Occasionally	Exposure to Electrical Shock	Never
Feeling	Never	Working in High Exposed Places	Never
Talking	Frequently	Exposite to Radiation	Never
Hearing.	Frequently	Working with Explosives	Never
Taxing/Smelling	Never	Exposure to Toxic or Caustic Chemicals	Never
Near Aculty	Occasionally	Other Environmental Conditions	Never
Far Acuity	Never		
Depth Perception	Never		
Accommodation	Nover		
Color Vision	Never		
Field of Vision	Never		

Work Situations:	Directing, Controlling, or Planning Activities of Others	Data;	Coordinating
77 42 11 ()12 2 11 2 2 2 3	Making Judgments and Decisions	People	Speaking-Signaling
	Performing a Verfety of Chillet	Things	Handling

Appledes:	POT	OAP
Ground Learning Ability	2 (67-89%)	3 (46 - 54%)
Verbal Aprillude	2 (67-89%)	3- (34 - 44%)
Numerical Aptitude	3 (34-66%)	3- (34 - 44%)
	4 (31-33%)	Not included
Spatial Aptitude	4 (31-33%)	Not included
Form Perception	3 (34-66%)	3 (46 - 54%)
Clerical Aprimede	4 (11-33%)	Not included
Motor Coordination	4 (11-33%)	Not Included
Finger Dexierry	4 (11-33%)	Not included
Manual Dexterity	5 (Below 11%)	, itil ministra
Eye-Hand-Foot Coordination	5 (Below 11%)	
Color Discrimination	. 5 (DCDW 1170)	

CIGNA 12/13/2004

SCRIPTION OCCUPATIONAL LA



189.167-022 Manager, Department O*NET SOC Code: 11-1011.02 Private Sector Executives

Alternate Tisses: Department Head; Superintendent

Directs and coordinates, through advordinate supervisors, department activities in commercial, industrial, or service establishment: Reviews and analyzes reports, records, and directives, and confers with supervisors to obtain data required for planning department activities, such as new commitments, status of work in progress, and problems encountered. Assigns, or delegates responsibility for, specified work or functional activities and disseminates policy to supervisors. Gives work directions, resolves problems, prepares schedules, and sets deadlines to ensure timely completion of work. Coordinates activities of department with related activities of other departments to ensure efficiency and economy. Monitors and analyzes costs and prepares budget, using computer. Propares reports and records on department activities for management, using computer. Evaluates current procedures and practices for accomplishing department objectives to develop and implement improved procedures and practices. May initiate or authorize employee hire, promotion, discharge, or utuasfer. Workers are designmed according to functions, activities, or type of department managed.

DLU: 1989

O*NET SOC Title: Private Sector Executives

O*NET SOC Code: 11-1011.02

Determine and formulate policies and business strategies and provide overall direction of private sector organizations. Plan, direct, and coordinate operational activities at the highest level of management with the help of subordinate

Directs, pleas, and implements policies and objectives of organization or business in accordance with charter and board of directors. Directs activities of organization to plan procedures, establish responsibilities, and coordinate functions among departments and sites. Analyzes operations to evaluate performance of company and staff and to determine areas of cost reduction and program improvement. Confers with board members, organization officials, and staff members to establish policies and formulate phass. Reviews financial statements and sales and activity reports to custore that organization's objectives are achieved. Assigns or delegates responsibilities to subordinates. Directs and coordinates activities of business involved with buying and selling investment products and financial services. Establishes internal control procedures. Presides over or serves on board of directors, management committees, or other governing boards. Directs inservice training of staff. Administers program for selection of sites, construction of buildings, and provision of equipment and supplies. Screens, selects, hires, transfers, and discharges employees. Fromotes objectives of institution or business before associations, public, government agencies, or community groups. Negotiates or approves contracts with suppliers and distributors, and with maintenance, junitorial, and security providers. Prepares reports and budgets. Directs non-merchandising departments of business, such as advertising, purchasing, credit, and accounting. Directs and coordinates activities of business or department concerned with predaction, pricing, tales, and/or distribution of products. Directs and coordinates organization's financial and budget activities to fund operations, maximize investments, and शिदास्त्रक शिविद्योग्य

Preliminary Crosswalk above this DOT Occupation is 1 of 13 DOT's under this O"NET Code.

Please note: O'NET Codes are under development and subject to change.

OCCUPATIONAL REQUIREMENTS



Title: Manager, Department

DOT Code: 189.167-022

kedustry: Any Industry

Specific Vorational Preparation: Level 7 (2 to 4 years)

General Educational Development: Reasoning Level 5

Mathematics Level 4 Language Level 4

Strength: Sedentary

Lifting, Carrying, Pushing, Pulling 10 Lbs. occasionally. Mustly sitting, may

involve standing or walking for brief periods of time.

Physical Demander Climbing Balancing Stooping Kneeling Crounbing Crowling Reaching Handling Fingering Feeling Taking Hearing Taning/Smelling Near Aculty Depth Perception Accommodation Color Vision Field of Vision	Never Never Never Never Never Never Never Occasionally Occasionally Never Frequently Frequently Never Frequently Never Never Occasionally Never Never Never Never Never Never	Environmental Conditions: Noise Intensity Level Exposure to Weather Extreme Cold Extreme Cold Extreme Rear Wet and/or Humid Vibration Atmospheric Conditions Proximity to Moving Mechanical Parts Exposure to Hectrical Shock Working in High Exposed Places Exposure to Radiation Working with Explosives Exposure to Toxic or Caustic Chemicals Other Environmental Conditions	Moderate Never
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Work Situations:	Directing, Controlling, or Planning Activities of Others Dealing with People (Beyond receiving work instructions) Making Judgments and Decisions		Date: Coordinating People: Speaking-Signaling Things: Handling
Apritudes: General Learning, Verbal Aptitude Numerical Aptitude Spatial Aptitude Form Perception Clerical Aptitude Motor Coordination Finger Desterity Manual Desterity Eye-Hand-Foot C Color Discrimination	Ability le en eordination	DOT 2 (67-89%) 2 (67-89%) 3 (34-66%) 3 (34-66%) 3 (34-66%) 4 (11-33%) 4 (11-33%) 4 (11-33%) 5 (Below 11%)	OAP 3+ (56 - 66%) 3- (34 - 44%) 3 (46 - 54%) Not included Not included Not included A (46 - 54%) Not included Not included Not included

CIGNA 12/13/2004

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Acesza: Task

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Mark Sodders
Dhability Cleim Manager
ClGMA Disability Management Solutions





CIGNA Group Insurance

April 11, 2005

Steven Allano 3800 Waldo Avenue 13-G Bronx, NY 10463 Routing 212P.
12225 Greenville Avenue
Suite 1000 LB 179
Dellar, TX 75203-9382
Telephone 200.352.0611 x5693
Facsimit 860,731.2907
Mark-Sodders@Cigna.com

Re:

Claimant:

Steven Allano

Policy Number:

NYK 1972

Policy Holden

Welll Medical College

Underwitting Company:

CIGNA Life Insurance Company of New York

Dear Mr. Alfano:

This letter is in reference to the above-mentioned claim for long term disability benefits.

Please be advised that after a review of the medical information your physician submitted, we are in the process of scheduling a Functional Capacity Evaluation (FCE) for you. A representative from HealthSouth will be contacting you to discuss the date, time and place of the FCE. This exam will be at our expense.

Your policy through Weili Medical College does include a provision that allows us to send you for an exam as often as masonably required.

Should you have any questions concerning this matter, please do not hesitate to contact this office.

Sincerely.

Mark Sodders

Claim Disetion Staffing Form



Please complete the sections that are applicable for the staffing purpose

Claim Information:

Staffing Date: April 6, 2005		Claim Managers	Mark Sodders
Cx Name 3	leyes Altaylo	SSN:	099-44-9648
DOB/Age: 0		BeightWT:	6'3"/280 lbr.
Employer 1	Veil Medical College	Occupation:	Wore & Spiory Manager
Incur Date:	06/01/2000	Date of Hire:	08/02/0991
-		Employment term Date:	
BSD or AOD	aje 12/03/2060	Claim Received D:	ale: 12/07/2000
Prior Claim ?	**************************************	MI Max date:	AL PROS.
Diagnosis/ICI	N. D. Saller	····	
Ştatusı	i Ongolan XX	^O ^I	open Pro-Ex
Specific staff	ng questions that seed to	he addressed (
Cloim directly	08		······································
Claim money	is: please see printed clai	m strategy:	

Vocational / Occupational History:

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Occupational requirements (DOT MUST BE Of	THE CANADADA
XO Sedentary O Light O Medium O	Beavy O Very Heavy
Policy definition of disability please check;	DOT on file: no. Inst 10
Own Oce XX Any Oce , Other:	
Training/Education/Experience Dominant	VRC assigned: Yes X No
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Medical / Offsets:

Trackler	Firedelans (ounte, specials	. initial &	LOV, D	requency):	
Provider	Specialty	Initial OV	FOA	TX	PAA?	R	£,
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Projected RTW Date and	Provider:	No work					
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Claim Direction Staffing Form



Please complete the sections that are applicable for the staffing purpose

Comments Review outcome/Rationale/Flan:

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Fature Claim Direction/Actions (Picme indicent) 2. 3. 4. F/U Medical VOC Rehab STU	SSD1 FAU WIC CF CE -1 day

Parties in Attendance:

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01/20/2005 11:29 AM

Acenza: Task

Neme STEVEN ALFANO SSN 099-44-9648 DOB 01/14/1958 01/14/1958 04/06/2000 0
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Message Confirmation Report

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Phone 212	, 746-2879	2md Request	Phone 1.800.352.0611 Ex	itension 5693	
Addro			Addess 12225 Greenville / Suite 3000, L8 179 Dallas Texas 7524	>	

Comments

RE:

Steven Alfano

DOB:

1/14/58

Policyholder:

Weill Medical College NYK 1972

Underwriting Company:

Life Insurance Company of North America

Attached is a copy of the letter sent to Dr. Roach on January 20, 2005 regarding Mr. Alfano asking for the review of the four DOT's. The DOT's were received in your office as of January 27, 2005.

We would greatly appreciate a response by March 25, 2005, and in the absence of Dr. Roach's response we will assume Dr. Roach is in agreement with his patient's ability to perform the occupations listed in the four DOT's.

If you have any questions please do not hesitate to call at the number listed above.

Sincerely,

2nd Request

Mark Sodders

CONFIDENTIALITY NOTICE: If you have received this focusible in error, please immediately modify the sender by telephone at the number above. The decements accompanying this focus like transmission complex confidential information. This information is intended only for the use of the individualis) or entity named obore. Thorik you for your compliance.

LSSE taxonidas e Georgiany of North Agresica Connection Opposition Intuing Company CONA life insurance Company of New York

13 Acknowledgment Requested

To Fax a reply, dial: 860,731,2907

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Mark Speders Case Manager CIGNA Disability Management Solutions



Life - Accident - Disability

January 20, 2005

Keith Roach, M.D. SOS E. 70 St. HT 450 New York, NY 10021 Routing 232E 12225 Greenville Avenue Spire 1000 LB 179 Dallas, TX 75243-9382 Triephone 800.352.0611 x5693 Facilitie 860.731,2907 Mark Sodders9Cigna.com

CIGNA Group Insurance

Re:

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Claimant:

Steven Alfano

DOB:

01/14/58 NYK 1972

Policy Number:

Welli Medical College

Policy Holder: Underwriting Company:

CIGNA Life Insurance Company of New York

Dear Dr. Roach:

From your last Physical Abilities Assessment Form dated October 10, 2004, you report that Mr. Roach may Occasionally: push, pull, climb, balance, stoop, lift and carry 10 pounds, sit stand and walk.

We have enclosed four potential occupations that Mr. Roach may perform based on his prior education, training and experience for your review. To properly understand his current physical work restrictions, please provide the following information:

- · Is Mr. Roach able to physically perform the four occupations as described in the attachment?
- If no, please provide the medical documentation to support your position of Mr. Roach's functional deficits and that significantly impact his ability to perform these occupations which require physical exertion in an 8 hour day based on your October 10, 2004 Physical Abilities Assessment form.

We will consider a reasonable charge for this report. Please include your Tax identification number for your invoice.

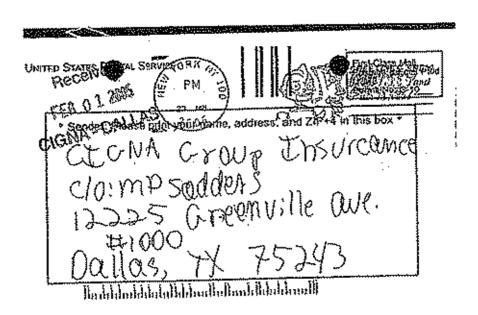
Your assistance in providing this information is appreciated and will aid in the prompt handling of the claim.

Sincerely,

Mark Sodders

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Sodders, Mark D 212

Steven Alfano [steven,allano@verizon.net] Friday, January 14, 2005 7:37 AM Seddors, Mark D 212 LTD From:

Sent:

To;

Subject:

Mark,

I received your letter and calculations. Unfortunately for me, they been to be in order and correct. Thank you for waiving the overpayment. Steve Alfano

1

Sodders, Mark D 212

From:

1475 Goff, Kevin R

Sont:

Monday, January 10, 2005 8:47 AM

To: Subject: Sodders, Mark U 212 RE: COLA Adjustment

Hi Mark,

Thanks for clarifying. What does BME stand for?

·······Original Message---

From: Sedders, Mark D

212 Senta

To:

Monday, January 18, 2005 9:23 AM 1475

Cc:

Golf, Novin R Harvey, Kathy L 212

Subjects

RE: COLA Adjustment

Hi Kevin:

Two letters were sent to Mr. Alfano. July 12, 2004 and November 30, 2004. The July 12, 2004 letter was the fist letter ever sent to Mr. Alfano advising him of the COLA. This resulted in us sending him a \$6,888.93 underpayment. Unfortunately, the prior case manager who issued this old the COLA on the Gross, not the Net MB. I sent the letter in November, advising him that another COLA would be due as of 01/01/05.

However, I continued the error and applied the COLA to the Gross, as I based my calculations off of the prior case manager's work. No monles were ever issued that were discussed on this November 30, 2004 letter. I became suspicious of the emount when I saw how large it was over the original BME. Therefore, I sent a third letter was sent to Mr. Allano in early December advising him that I would double check all the calculations to ensure accuracy. This test e-mail/tetter to Mr. Alfano is the result of my own investigation.

Please let me know if you need anything else or any clarification.

Sinccrety,

Mark

-----Original Message--

Goff, Keyen A 1475 From:

Monday, January 10, 2005 8:06 AM Sent;

Sodders, Mark D 212 To:

Horvey, Kathy L 212 CC

Subject: RE: COLA Adjustment

Hi Mark,

I appreciate the direct follow up on this. I received a response from the broker (Noreen Murrey) asking what information was previously sent to the claimant or to Weill Medical regarding Mr. Alfano's COLA payments? Can you please research this and let me know. I think she is very interested to know if we did send any prior correspondence regarding this. If we did, it was possibly wrong, and if it we didn't, I believe we should have been sending updates.

Please advise.

Thanks. Kevin

---- Driginal Medsage----

Sodders, Mark D 212 from:

Sent

Friday, January 07, 2005 3:28 PM



To: Steven Allono Cc: Goff, Kevin R

(475) rous@met.comell.edu; Harvey, Kathy L.

212; \$ecure: \cos 500

COLA Adjustment Subject:

Hi Mr. Alfano:

I've reviewed the calculations made on your claim concerning the COLA's (Cost of Living Adjustments) to your Monthly Benefits according to your policy.

Your policy states the following:

"Cost of Living Adjustment.

On January 1, any Employee who is entitled to received a Monthly Benefit and has been disabled for 12 months following the end of the Benefit Welting Period will be eligible for a Cost of Living Adjustment. The Monthly Benefit payable to him, beginning with the month of January, will be increased by 3%.

The Cost of Living Adjustment will be determined on each January 1 until a total of 5 annual adjustments have been made. This edjustment will not be subject to the overall maximum Monthly Benefit.

On July 12, 2004, you were notified by our office via written correspondence that no COLA's have been applied to your disability benefits, and that you will be receiving \$6,866.93 for these past due benefits. On November 30, 2004, you were notified that another COLA is due as of January 1, 2005.

Upon further review of the accuracy of the increase in benefits. If was determined that the 3% COLA was applied to the gross amount of your Monthly Benefit, prior to any deductions and not the net amount of your Monthly Benefit. If you'll note the language above, the 3% COLA is applied to your Monthly Benefit payable. This means that the 3% COLA is applied to the lesser of either:

- '60% of the Employee's Monthly Basic Earnings at the time he becomes Disabled, founded to the negrer dollar up to a maximum of \$15000, and reduced by the amount of all Other Benefits, for that month, excluding any Other Benefits received by or on behalf of the Employee's dependents.
- 70% of the Employee's Basic Earnings at the time he becomes Disabled, reduced by the amount of all Other Benefits which the Employee and his dependents receive for that month."

Different language is applied if you are working, approved by CIGNA. However, as you are not working, the above language applies to your Monthly Benefits.

This means that the total amount paid to you from December 3, 2001 through December 2, 2004 is \$75,772.10. However, as monitoned above, the COLA should have been applied to the Monthly Benefit (which means the not amount after Other Bonofits (i.e., SSDI Primary and Dependent) are deducted and totals \$71,977.09. This yields an Overpayment in the amount of \$4,795.01.

Your Overpayment total was reduced by \$293.64, as there was an error in calculating the correct Social Security Disability officels for the month of December 3, 2000 through January 2, 2001.

The remaining \$4,501.37 Overpayment has been waived, and your new Monthly Benefit payable to you through December of 2005 is \$2,152.32. Your fifth and final COLA will occur as of January 1, 2006.

A letter is being sent to you, including the calculation sheets, detailing this e-mail. Should you have any questions, please contact me at 800.352,8611 x5693.

Sincerely,

Mark Sodders Case Manager CIGNA Disability Management Solutions 972,907.5693 Network: 933,5693 800.352.0611 Ext. 5093 Fax: 850.731.2907 mark.sodders@CTGNA.com

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Filed 07/28/2008

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Sodders, Mark D 212

From: steven.alano@yerizon.net

Sent: Saturday, January 08, 2005 2:23 PM

To: steven allano@verizon.net Cc: Sodders, Mark D 212

Subject: CIGNA Secure Mailbox Fw; COLA Adjustment

--- Original Message ----Hi Mr. Alfano:

I've reviewed the calculations made on your claim concerning the COLA's (Cost of Living Adjustments) to your Monthly Benefits according to your policy.

Your policy states the following:

"Cost of biving Adjustment.

On January 1, any Employee who is entitled to received a Monthly Senefit and has been disabled for 12 months following the end of the Senefit Waiting Period will be eligible for a Cost of Living Adjustment. The Monthly Benefit payable to him, beginning with the month of January, will be increased by 3k.

The Cost of Living Adjustment will be determined on each January 1 until a total of 5 annual adjustments have been made. This adjustment will not be subject to the overall maximum monthly Senefit."

On July 12, 2004, you were notified by our office via written correspondence that no COLA's have been applied to your disability benefits, and that you will be receiving \$6,866.93 for these post due benefits. On November 30, 2004, you were notified that another COLA is due as of January 1, 2005.

upon further review of the accuracy of the increase in benefits, it was determined that the 34 COLA was applied to the gross amount of your Monthly Benefit, prior to any deductions and not the net amount of your Monthly Benefit. If you'll note the language above, the 34 COLA is applied to your Monthly Benefit payable. This means that the 34 COLA is applied to the lesser of either:

* *50% of the Employee's Monthly Basic Earnings at the time he becomes
Disabled, rounded to the nearer dollar up to a maximum of \$15000, and reduced by the
amount of all Other Benefits, for that month, excluding any Other Benefits received by or
on behalf of the Employee's dependents.

 70% of the Employee's Basic Estmings at the time he becomes Disabled, reduced by the amount of all Other Benefits which the Employee and his dependents receive for that month."

nifferent language is applied if you are working, approved by CIGNA. However, as you are not working, the above language applies to your Monthly Benefits.

This means that the total amount paid to you from December 3, 2001 through December 2, 2004 is \$76,772.10. However, as mentioned above, the COLA should have been applied to the Monthly Benefit (which means the net amount after Other Benefits (i.e., SSD) Primary and Dependent) are deducted and totals \$71,977.09. This yields an Overpayment in the amount of \$4,795.01.

Your Overpayment total was reduced by \$293.64, as there was an error in calculating the correct Social Security Disability offsets for the month of December 3, 2000 through January 2, 2001.

The remaining \$4,501.37 Overpayment has been waived, and your new Monthly Senetit payable to you through December of 2003 is \$2,152.32. Your fifth and final COLA will occur as of Jacuary 1, 2006.





A letter is being sent to you, including the calculation sheets, detailing this e-mail. Should you have any queutions, please contact we at 800.352.8612 x569).

Sincerely,

Mark Sodders Case Manager CIGNA Disabillry Management Solutions 972.907.5593 Network: 933.5693 800.352.0611 Ext. 5693 Fax: 860.731.2907 mark.soddersoCIGNA.com

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Mark Sodders
Case Manages
CIGNA Disability Management Solutions



January 7, 2005

Steven Alfano 3800 Waldo Avenue 13-G Bronx, NY 10463 Roming 212E 12225 Greenville Avenue Suite 1000 LB 179 Dallas, TX 75243-9382 Telephone 808.352.0611 x5693 facumile 869.731,2007 Mark Sudde 860.731,2007

Re:

Claimant:

Steven Alfano

Policyholder:

Weill Medical College

Policy Number:

NYK 1972

CIGNA Life Insurance Company of New York

Dear Mr. Alfano:

The letter is in reference to your claim for Long Term Disability (LTD) benefits.

I've reviewed the calculations made on your claim concerning the COLA's (Cost of Living Adjustments) to your Monthly Benefits according to your policy.

Your policy states the following:

"Cost of Living Adjustment.

On January 1, any Employee who is entitled to received a Monthly Benefit and has been disabled for 12 months following the end of the Benefit Walting Period will be eligible for a Cost of Living Adjustment. The Monthly Benefit payable to him, beginning with the month of January, will be increased by 3%.

The Cost of Living Adjustment will be determined on each January I until a total of 5 annual adjustments have been made. This adjustment will not be subject to the overall maximum Monthly Benefit.*

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Filed 07/28/2008

Steven Alfano January 7, 2005 Page 2

Upon further review of the accuracy of the increase in benefits, it was determined that the 3% COLA was applied to the gross amount of your Monthly Benefit, prior to any deductions and not the net amount of your Monthly Benefit. If you'll note the language above, the 3% COLA is applied to your Monthly Benefit payable. This means that the 3% COLA is applied to the lesser of either:

*60% of the Employee's Monthly Basic Earnings at the time he becomes Disabled, tounded to the neater dollar up to a maximum of \$15000, and reduced by the amount of all Other Benefits, for that month, excluding any Other Benefits received by or on behalf of the Employee's dependents.

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Your Overpayment total was reduced by \$293.64, as there was an error in calculating the correct Social Security Disability offsets for the month of December 3, 2000 through January 2, 2001.

Please refer to the enclosed calculation sheets for details.

The remaining \$4,501.37 Overpayment has been waived, and your new Monthly Benefit payable to you through December of 2005 is \$2,152.32. Your fifth and final COLA will occur as of January 1, 2006.

Should you have any questions, please contact me at 800.352.0611 x5693.

Sincerely,

Mark Sodders

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